

City of Idaho Falls Attorney's Department



Citizen Review Committee Report

October 11, 2016

City of Idaho Falls City Attorney's Department **Citizens Review Committee Report**

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I. EXECUTIVE SUMMARY

On February 11, 2016, Idaho Falls Mayor Rebecca Casper announced the selection of members to the 2016 Citizens Review Committee for the City Attorney's Department (hereinafter "CRC Legal"). Those chosen to serve on the committee are Miranda Marquit, Terry Johnston, Matthew Hamilton, Don Johnson and George Morrison. This committee's goal is to review and evaluate the efficiency of the City's Attorney's Department, compile our findings, and to create a report to be formally presented by Mayor Casper to the City Council. The committee began their meetings starting February 20, 2016 with the last official meeting held June 30, 2016.

Meetings of CRC Legal included brief introductions to Mayor Casper and Randy Fife, tours of the City Attorney's Department that included interviewing the Department's staff members, and regular committee meetings. The City Attorney's Department prepared a binder that included information on the Department's staff, the mission and policies, and the Department's budget. Members of the committee also received additional information upon request. Members of the committee also attended City Court proceedings to watch the City Prosecutors handle their cases, and develop a general feel for the process and efficiency.

The committee found many positive attributes and practices within the City Attorney's Department. Committee members also found areas of concern with the Department. Areas of particular concern include the high case load relative to personnel, additional cross-training within the department, improving response to domestic violence victims, compensation of personnel, and morale within the department.

Observations and recommendations from the CRC Legal are presented in this report. Overall, the members of this committee are impressed with the City Attorney's Department. We hope our report can serve to improve upon the good work already in progress.

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2016 Citizens Review Committee Members and Signatures

Miranda Marquit	Chairman	_____
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Terry Johnston	Secretary	_____
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Don Johnson	Member	_____
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Matthew Hamilton	Member	_____
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George Morrison	Member	_____
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III. CITY ATTORNEY'S DEPARTMENT ACCOMPLISHMENTS

A. Introducing the City Attorney's Department to Idaho Falls

On April 18, 2016, CRC Legal toured the Department to assess the efficiency of the Department. One of the first things we observed is that the Department works well together. Each person works efficiently and effectively within the Department.

Although the Department runs efficiently, we are concerned about future efficiency and turnover. Frequent turnover is inefficient in any department, and we are concerned that the Idaho Falls City Attorney's Department lacks the resources needed to retain high-quality attorneys and prosecutors.

Because the Department has such a large caseload, some members of the Department feel they are undervalued due to lower wages versus the caseload volume and wages in comparison to other cities.

B. Current City Attorney's Department Personnel

City Attorney:

Randy Fife was appointed as the City's lead legal counsel in 2013. Prior to being appointed Idaho Falls City Attorney, Randy had extensive experience in municipal law, including as a City Attorney in another Idaho city. As City Attorney, Fife provides legal-related advice, support, and information to Mayor Casper, and to the City Council. It is his job to ensure that City officials comply with legal and ethical requirements, draft legal documents and opinions, analyze cases and civil litigation, conduct investigations into complaints made by or against the City, any court rulings that may affect the City, and he also oversees the preparation of the departmental budget (although the City Council actually determines salaries). Fife is fluent in Spanish and on-call for consultation by city officials and law enforcement.

Assistant City Attorney:

Mike Kirkham has been the Assistant City Attorney since April 2014. His main duties are to act as a legal consultant to City Departments, review civil complaints, claims, ordinances, develop legal research and opinions, review and respond to public record requests, attend meetings to provide advice and counsel to City clients, negotiate, review, and prepare agreements and contracts for the City, represent the City in civil litigation cases and/or administrative hearings, and provide training to public safety officers and general City employees, as well as legal training in civil and related law topics to the legal staff.

Administrative Assistant for the City Attorney:

Kimberly Lewis has been the City Attorney's administrative assistant since March 2015. Her main duties include assisting the attorneys in a paralegal capacity and general office work, such as transcribing notes from a variety of correspondences, composing routine correspondences, routing interdepartmental memos to Mayor Casper, City Council and to other City departments, typing meeting minutes, monthly reports, arranging meetings, scheduling appointments, answering

telephones, maintaining personnel files, picking up and distributing the mail, and acting as a receptionist.

City Prosecutors:

Jeff Thomason has been a City Prosecutor since the establishment of in-house prosecutor's office in 2013. He handles the City's criminal cases, such as misdemeanor and infraction prosecution, legal services of all types including the City's domestic violence caseload, appears in court for general misdemeanors, probation violations, criminal appeals, and City infractions. He provides case reviews and screenings for the Idaho Falls Police Department, code enforcement, animal services, any necessary training in criminal and other related legal topics.

Cindy Campbell has been a City Prosecutor since October 2015. She brings 30 years of experience as a criminal attorney, a prosecutor, and a defense attorney. Additionally, she has worked for Bingham County Prosecutor, Bonneville County Public Defender, Idaho Attorney General, and as a contract public defender for Butte, Madison, and Bonneville Counties. Her duties include handling the City's criminal cases such as misdemeanor and infraction prosecution, legal services of all types including the City's domestic violence caseload, appears in court for general misdemeanors, probation violations, criminal appeals, and as well as City infractions.

Administrative Assistant for the City Prosecutors:

Carol Jensen has been a Prosecution Administrative Assistant since 2015. Her duties include acting as the office manager, maintaining the prosecuting attorneys' files, drafting and preparing legal documents, discovery, jury instructions, witness and exhibit lists, restitution, appeals, and managing other legal documents. Other duties include notifying interested parties, such as domestic abuse victims, of court hearings through correspondence.

Legal Services Specialist:

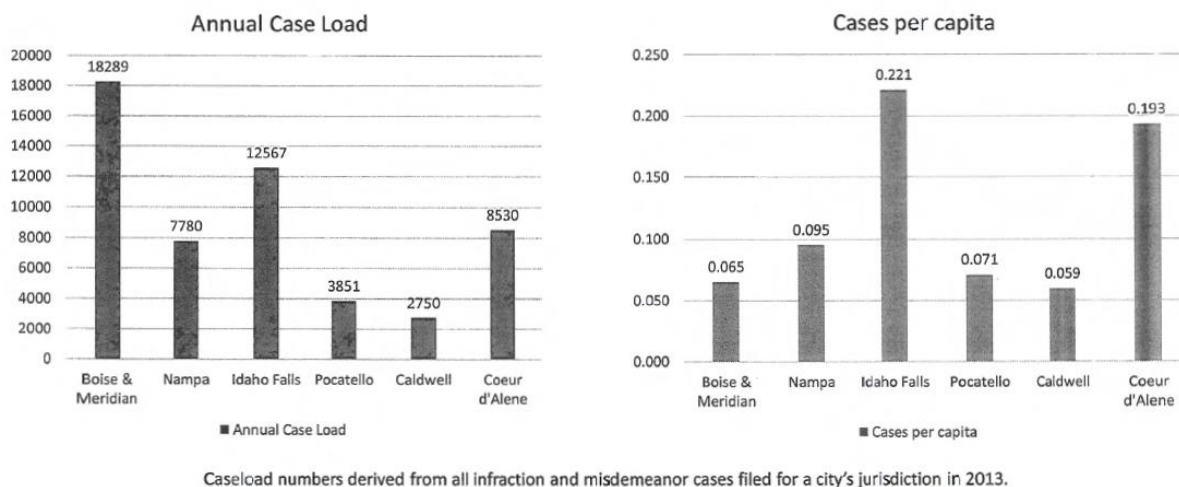
Mercedes Rivas has been the Legal Services Specialist for Prosecution Services since 2014. Her duties include maintaining the prosecuting attorneys' files, filing legal documents at the courthouse, retrieving documents from the courthouse mailbox, organizing and scanning documents, assisting in gathering information and preparing discovery responses. She also interacts with other agencies, attorneys, members of the public, defendants, victims and witnesses of crimes. She also notifies interested parties of court hearings by preparing correspondences, and provides support work to the Administrative Assistant for the Prosecuting Attorneys. As an added asset to the Department, she is also fluent in Spanish.

C. Caseload Efficiency

CRC Legal reviewed the documents provided by City Attorney Randy Fife. Included in these documents are stats regarding the Department's current criminal caseload. Currently Idaho Falls, Idaho has a population of 56,813. According to the information, the City Attorney's Department handles about 4,922 misdemeanor cases a year, and 945 infractions.

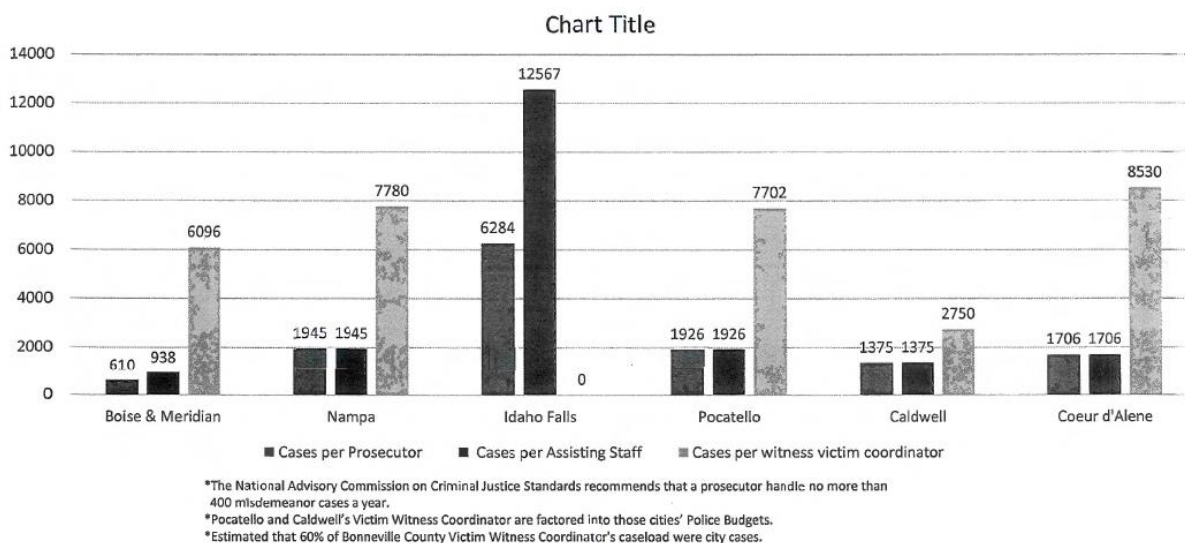
Idaho Falls has an unusually high caseload when compared to other cities in the state.

Caseload Comparison



[Fig. 1]

Caseload Comparison



[Fig. 2]

The committee is impressed with the efficiency of the work of the City Attorney's Department in handling its abnormally high caseload with the relatively small staff provided.

We feel that adding an additional person to the department, perhaps more aggressively pursuing an internship program, could reduce some of the stress on the personnel, as well as improve morale. Also of concern is the stress vacations and sick leave may have on remaining members of the staff because of the small size of the department.

We feel addressing the personnel issue is especially important when considering the pay received by members of the City Attorney's Department, which is below average for Idaho, as well as for the nation. Our City Attorney's Department is doing above-average work, on an above-average caseload, for below-average pay. Long-term this situation has the potential to result in inefficiencies and staffing issues.

D. Advantages of Having an In-House City Attorney's Department

Although the Legal Department's budget expenditures have increased since the introduction of the City Attorney's Department, the benefits of having an in-house City Attorney outweigh the additional budget costs in the long run.

Some of these benefits include improvements in the efficiency of the legal department, better tracking of public records requests, and championing House Bill 447 which ". . . would allow public utilities to keep blueprints and other documents secret from the public", and according to Republican Rep. Don Cheatham, ". . . the bill would add an extra level of security and is necessary to protect the public from terrorist attacks."¹ An office that can handle these requests, as well as other requests from the public and the City, contributes to compliance with the law in an efficient manner.

Other benefits to an in-house attorney's department are the ability to devote time to improving and consolidating the City code, and offering a quicker response time to legal cases and questions.

Overall, the CRC Legal believes it makes sense to continue funding a department that is entirely devoted to the issues of the City, rather than dividing time, attention, and energy between multiple clients.

¹ <http://www.ktvb.com/news/local/capitol-watch/idaho-house-approves-public-records-exemption-bill/45574925>

IV. SIGNIFICANT ISSUE: BUDGET AND COMPENSATION

A. Overview of City Attorney's Department Budget

A review of the budget expenditures reveals that the cost of having an in-house legal department has not been much more expensive than contracting out services to outside counsel and to Bonneville County. The City Attorney's Department is one of the lowest-cost departments in our local government.

City of Idaho Falls General Fund Expenditures - Net Budget Comparison 2015-2016

DEPARTMENT	Approved Budget			Proposed 2015 - 2016 Budget	Proposed Increase (Decrease) Over 2014-2015
	2012 - 2013	2013 - 2014	2014 - 2015		
Community Development	2,270,591	2,183,124	2,203,770	2,163,861	(39,909)
Council	\$89,417	\$84,727	\$85,326	\$80,988	(\$4,338)
Fire	9,866,743	9,846,523	12,292,485	12,892,390	599,905
Governmental Power Costs	780,000	780,000	780,000	720,000	(60,000)
Human Resources	190,669	184,167	189,971	211,928	21,957
Judicial	165,370	214,415	285,123	309,089	23,966
Legal	100,411	107,874	112,114	113,158	1,044
Mayor	122,787	110,706	159,479	157,561	(1,918)
Municipal Services	3,255,593	3,421,515	3,354,375	3,562,814	208,439
Non - Departmental	1,233,255	1,575,942	1,565,021	1,594,320	29,299
Parks	5,723,543	7,424,669	7,902,343	8,150,125	247,782
Police	12,254,341	12,196,676	12,407,347	13,178,430	771,083
Prior Year Encumbrances	3,000,000	3,000,000	3,000,000	3,000,000	0
Public Works	1,972,509	1,937,971	1,929,700	1,969,900	40,200
Total Net	41,025,229	43,068,309	46,267,054	48,104,564	1,837,510
Revenues	(37,745,558)	(39,096,087)	(41,282,683)	(42,332,631)	(1,049,948)
Expenditures -	3,279,671	3,972,222	4,984,371	5,771,933	<u>\$787,562</u>
Less Encumbrances	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	
Excess Expenditures / (Revenues)	<u>\$279,671</u>	<u>\$972,222</u>	<u>\$1,984,371</u>	<u>\$2,771,933</u>	

[Fig. 3]

Combined judicial and legal expenditures for 2014-2015 total \$397,237. The proposed budget for 2015-2016 adds a combined \$25,010 to that number. Prior to the introduction of the City Attorney's Department, the fiscal year total for 2012 for attorney's billings were \$65,732.03, and the bill paid to Bonneville County was \$161,940. Combined, that amount was \$227,672.06. One of the reasons the City began considering a switch to in-house counsel was the proposed 2013 cost of services of Bonneville County, which was \$237,306.

Over time, billings from outside attorneys and from Bonneville County to handle prosecution, would have been expected to rise, and the cost of the City Attorney's Department is still relatively low, even when taking into account normal increased costs. In fact, one of the issues CRC Legal has with the current compensation for staff is the reality that Bonneville County had been undercharging for years. In effect, Idaho Falls was paying for two people and getting the work of five to seven people from the County. It's not practical to expect that Bonneville County would continue to subsidize the City of Idaho Falls in the future. Expectations for the Department were based on the fact that the County had been subsidizing costs for the City, and that is, in part, the reason that members of the Idaho Falls City Attorney's Department are undercompensated for their services.

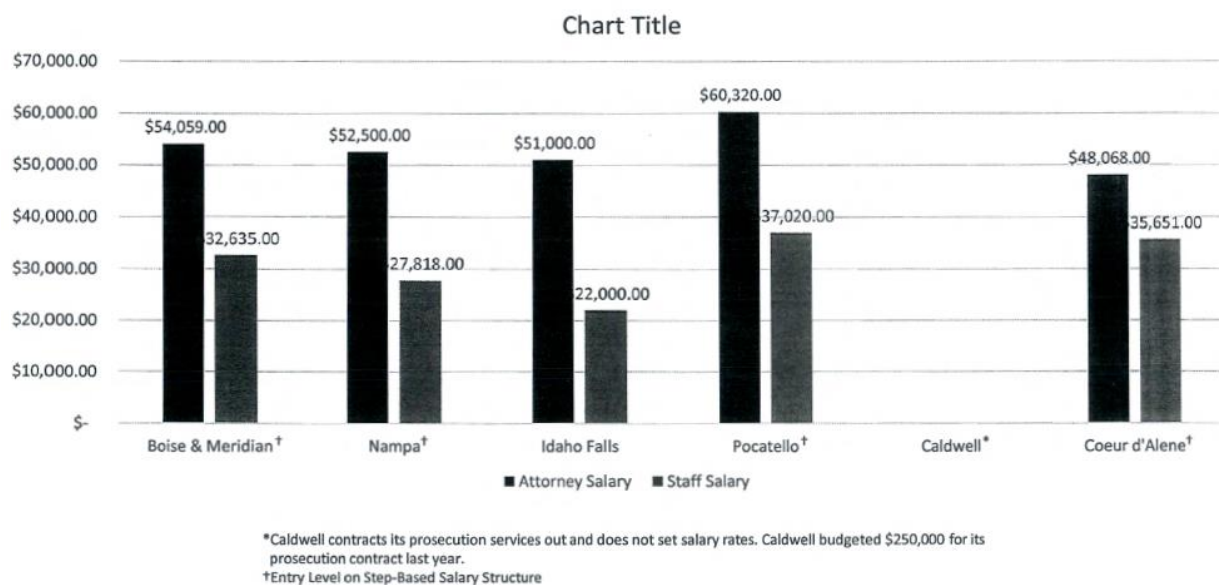
B. Compensating an Efficient Department

On April 18, 2016, CRC Legal toured the Department to assess the efficiency of the Department. One of the first things we observed is that the Department works well together. Each person works efficiently and effectively within the Department.

Although the Department runs efficiently, we are concerned about future efficiency and turnover. Frequent turnover is inefficient in any department, and we are concerned that the Idaho Falls City Attorney's Department lacks the resources needed to retain high-quality attorneys and prosecutors.

Because the Department has such a large caseload, some members of the Department feel they are undervalued due to lower wages verses the caseload volume and wages in comparison to other cities.

Entry Level Salary Comparison



[Fig. 4]

Idaho Falls has a higher per-capita caseload for its legal staff than any other city in the state, yet its staff members are compensated at a lower rate than any other city except Coeur d'Alene. It is also worth pointing out that City Attorneys and Prosecutors are often on-call, and are sometimes required to work on evenings on weekends. They are not compensated with overtime pay.

CRC Legal recommends further investigation into different pay structures to assist in maintaining top talent. The City Attorney's Department is currently outside a step-and-grade system, and that is one suggestion that should be considered. We feel it is important to retain the talented Department members we have now to minimize unnecessary turnover.

Other considerations for compensation include:

- Increased flexibility between sick leave, personal leave and vacation time;
- Creation of overtime compensation for the Attorneys on call;
- Hiring another person to assist with the high case load in the prosecution department;
- Developing an internship program that includes a small stipend.

One of the issues some of the Department members raised was that attracting talent is difficult. Potential interns can usually find paid internships with legal departments or attorney's offices in other cities. A very promising talent recently declined an internship with Idaho Falls in favor of a paid internship in another city.

While an across-the-board raise might not be appropriate, there are ways to manage benefits and provide other perks (include the chance to see raises in future years for remaining in Idaho Falls) that can help offset the below-average pay experienced by the members of the City Attorney's Department.

V. TRAINING and CLEs

As a whole, this Department receives the necessary CLE (Continuing Legal Education) training as required by the State of Idaho and other cross-departmental training. However, there are some areas that CRC Legal believes could use more training, including training for other City Departments.

Some staff members mentioned the regularity of last-minute requests from other City Departments (urgent or not) that cause setbacks on current projects. To alleviate this problem, we suggest that other City Departments receive training that allows them to understand the inner workings of the legal department, such as giving them a proper timeline or deadline to get their request completed. While last-minute requests can't always be avoided, a little more sensitivity from other Departments is in order.

One particular area of concern for CRC Legal is the way domestic violence cases are handled. At this time, little support is given to victims. Other than a letter regarding hearings, many victims receive little information or support about their options or services that might be available to them.

There are concerns that victims might perceive the department as unsupportive, and that there is no incentive to contact the department because the system hasn't been helpful.

We propose increased cross-training within the Department on how to support Domestic Violence Victims. We recognize that the under-staffed nature of the Department, as well as the abnormally large caseload faced by the Department, is likely to hinder efforts to support domestic violence victims and implement new systems. We suggest the City Council consider hiring a victims' witness coordinator, since this is a position missing in the department.

While members of the City Attorney's Department receive the CLEs they need, we do think it would be valuable for them to attend conferences outside the state. Currently, Attorneys and Prosecutors mainly attend conferences and trainings in Boise. We feel staff and the City of Idaho Falls could benefit from learning at regional and/or national legal conferences, with staff attending on a staggered basis to keep costs within reason.

VI. IDAHO FALLS CITY CODE

City Attorney, Randy Fife, has been very proactive making modifications to the Idaho Falls City Code to improve efficiency. However, due to the large caseload handled by Idaho Falls, CRC Legal recommends reviewing some misdemeanor classifications. Some crimes might be better considered infractions for first-time offenders, rather than automatically classifying them as misdemeanors. Another suggestion is for the city to work with the Courts to implement standardized sentencing for low-level and first-time offenders. This would allow prosecutors to focus more on cases they have in order to work toward a more just result.

Revising the City Code in a way that reduces the number of cases brought in the first place might reduce the caseload for members of the City Attorney's Department, and could result in savings for the system as a whole.

VII. FINAL CONCLUSIONS AND RECOMMENDATIONS

Overall, CRC Legal is very impressed with the City Attorney's Department. The decision to maintain an in-house legal department is one we support. Even though the cost is higher up front, the cost difference has been small enough to justify the continuance of the Department. This is especially true when considering the long-term benefits. Continuity and consistency are more likely with an in-house legal counsel. The teamwork within the Department is exceptional, and the Department is extremely efficient.

We do have a few issues of concern, and recommend further investigation to hopefully improve a Department that already functions well. Our main concern is the ability of the Department to retain high-quality talent, and recruit future talent in the event that current personnel leave.

These are our recommended areas of suggested investigation:

- Increase the budget for the Department to provide the ability to hire additional personnel, or institute a paid internship program, to help with the abnormally high caseload
- Create a step-and-grade salary or other compensation within the Department to promote an interest in remaining in Idaho Falls and reduce the potential for future turnover
- Institute increased flexibility between sick leave, personal leave and vacation time so that personnel have more options^[1]_{SEP}
- Compensation, such as a stipend, for on-call personnel who aren't currently paid for their time
- Improve department training on how to interact with domestic violence victims. Instead of sending letters to domestic violence victims and waiting on them to respond, we suggest the Department be more proactive in contacting the victims and pointing them toward resources
- Better communicate expectations for the City Attorney's Department with other departments
- Wider career development experience, including possibly traveling to conferences and trainings outside Idaho

APPENDIX



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

2/20/2016

Annex Conference Room

Present: ☒ Miranda Marquit, Chairman
☒ Terry Johnston, Secretary
☒ Matthew Hamilton
☒ Don Johnson
☐ George Morrison

Absent: George Morrison

Quorum Established: ☒ YES ☐ NO

Guests: Mayor Casper, City Attorney Randy Fife

Meeting called to order by City Attorney Randy Fife at 9:06 AM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Not applicable at this time as this is the first meeting convening in regards to the 2016 Citizens Review Committee for the City's Attorney Department.

II. Approval of Minutes

Not applicable at this time as this is the first meeting convening in regards to the 2016 Citizens Review Committee for the City's Attorney Department.

III. Topics Discussed

1. The first order of business was to decide who was going to be the chairman and secretary for the committee. It was decided unanimously that Miranda

Marquit would be the chairman and Terry Johnston would be the secretary to record meeting minutes.

2. The City Attorney, Randy Fife introduced himself to the committee and thanked the committee for serving on this year's committee. He also provided information about meeting notices, agenda posting, and a copy of the City of Idaho Falls Public Meetings Handbook. Randy gave a rundown of the City Attorney's Department's functions and stated that the department does not have any private legal clients and that they only represent the City of Idaho Falls. Also discussed were the philosophy of the department, the corporate structure, that they do not do hourly billing, and discussed budget comparisons.

3. Miranda requested a copy of the most recent budget. Randy stated that he will provide the documents ASAP.

4. Randy provided his phone number (208) 310-1352 and stated that he is available 24/7. He also reminded the committee that pursuant to the Idaho Open Meeting Law, and that the meetings must have a quorum before it can convene.

5. Randy discussed the City of Idaho Falls' code, policy, fee resolutions, (SOP) Standard Operating Procedures, and Grievance guidelines rules. Also discussed, the department tracking prosecutions, staffing, expenses, public records reform, other standardized ordinances, and indigent representation burdens.

6. Also discussed was the vulnerabilities of the Human Resources Department, diversity issues, and legal risk management.

7. Randy passed out the Idaho Falls City of Idaho Falls Legal Department binder to the committee members. Enclosed in the binder was: the introduction to the City of Attorney Department, attorney profiles, Idaho Code that governs the department, past emails regarding the appointment of the city attorney, their duties and their support staff. It also included: the contract regarding the prosecutorial contract, agreement with Bonneville County, agenda and memorandum of the legal review steering committee, fiscal year statistics and prosecution services overview, City Attorney organization chart, and other caseload comparisons. Finally, it gave a list of the legal department job descriptions and the budget analysis worksheets.

8. Randy also discussed examples of "projects" that the legal department are considering/working as part of their charter. He briefly discussed Prosecution Tracking compared to other states/places and what is happening as a "lessons learned" potential to be proactive (instead of reactive) towards improving this legal department's case load. Another project discussed was different/better tracking on Public records requests. Included was an overview on the State Code currently in place.

9. Mayor Casper made some comments regarding sitting-in on our meetings and left to join another committee's meeting.

10. Don Johnson asked questions regarding clarification about not providing legal advice regarding water laws, the power loop, and Randy's willingness to stay with the job.

IV. Next Meeting

Discussed when it would be convenient for everyone to have the next meeting and agenda. Meeting rooms available are the Annex Conference Room, a room in City Hall, and the Council Chambers as well is available. The committee decided that the next meeting will be held on March 11, 2016 at 10 am to noon in the Annex Conference room, and the agenda to be discussed:

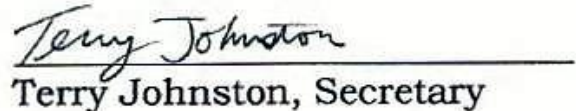
- Discussion of what we think our purpose as a committee will be;
- Sharing anything that jumped out at us when reading the binder;
- Figuring out when we can tour the department and perhaps talk to other members of the legal department; and
- Compiling any questions we might have for Randy Fife.

Also discussed was who will get with George Morrison, and Miranda stated that she will contact him when she gets home.

Motion by Randy Fife to adjourn the meeting at 9:55 AM, seconded by Miranda.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

3/11/2016

Annex Conference Room

Present: ☒ Miranda Marquit, Chairman
☒ Terry Johnston, Secretary
☒ Matthew Hamilton
☒ Don Johnson
☐ George Morrison

Absent: George Morrison

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda Marquit at 9:55 AM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 2/20/2016

II. Approval of Minutes

Motion to approve meeting minutes by Don on 3/11/2016 and seconded by Matt. Motion carried.

III. Topics Discussed

1. The first order of business was reviewing ideas of what the committee's purpose was, whether or not the Department was working in an efficient manner, propose ideas on how to improve the department, what is Randy's expectations of the committee and how we can assist him within the Department. The

committee shared their impression of the information provided that we thought were important regarding the workings of the legal department. We discussed the existence of the Department, the transition between Dale Storer and Randy Fife, whether having a City Attorney was a good idea or not, and if it wasn't a good idea could we propose something different.

2. The committee discussed his observations regarding Randy Fife's proactive example in the 3/3/2016 Post Register article about House Bill 447 regarding public records bill to be amended. We also discussed whether or not the Department was staffed appropriately for their caseload. Whether or not the Department would consider utilizing interns, or *pro bono* legal students. We also discussed concerns about the MOU memo dated 2015. Was the MOU a burden on the City? Since we are still waiting for Randy to give us the updated budget for comparison we didn't discuss the budget at this time.

3. We went over the packet that was provided by Randy Fife. Overall the information provided was well put together. However, it was suggested that more information should be provided regarding who was in charge, hiring outside counsel in regards to water rights, and who had the oversight of the department for checks and balances (i.e. the city council). Also discussed was what evidence can the City Attorney access (Criminal and Civil), and what is the department's retention plan regarding record storage, its location, and their processes (i.e. eDiscovery protocols).

4. Further, we discussed whether the department had overtime and was it due to the caseload and/or turnover. The discussion reviewed the topic of the MOU again and discussed landlord/tenant city jurisdiction. Matt clarified that the city could make an ordinance, but it would cost the city to create a court process. We also discussed the article regarding HB 447, and how having an in-house attorney is beneficial, and how good he is doing for the City.

6. The question was asked regarding what the travel budget covers, whether the cost reflected in the document provided to us could be managed better, whether if the use of car rentals or personal vehicles were used in travels, and whether if the use of per diem is used. We also discussed whether there were any unnecessary travel within the Department, and Matt clarified that the only travel was for training, and all was within budget. He also stated that there was access to grants as well to fund training, and that a properly trained office is very important. In regards to the budget, the Department doesn't need to spend the entire budget and they need wiggle room for wages and potential bonuses. The question of creating a bonus pool for a job-well-done, for milestones and/or goals. Matt replied that bonuses within the legal department is unheard of, but the committee agrees it would boost moral within the department if feasible. What does Randy think about creating a discretionary fund for bonuses?

7. Several questions were asked: Whether there was a plan for the attorneys such as step systems and if the utilization of market value was used? Experience+Efficiency=Less Money. Does the Department use WestLaw or LexisNexis, and is the package used cost effective? Does the department have a shredding service, is it cost effective?

8. We discussed touring the department. Miranda will create a Doodle so we could get dates/times together to coordinate with the department for convenience. Chart below shows the caseload going to court:

Monday Afternoon	1:30 pm	Parole Violations
Wednesday Morning	8 to 9 am	Domestic Violence
Thursday Morning	8 am	General Misdemeanors
Friday	All day	Court Trial/Jury Trial

9. Finally, we discussed the manner of how we, as a committee, will draft the final report. We decided we would use the previous report format used in the IFPD report.

IV. Materials Reviewed

The notebooks given to us by Randy Fife, and individual notes by committee members

V. Next Meeting

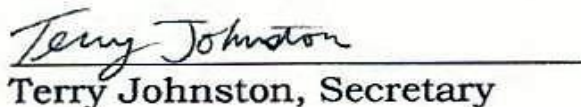
Discussed that it would be more convenient to have the next meeting at the Haven Community Center. Our next agenda will be:

- More discussion regarding questions to Randy
- About when it would be convenient to tour the department
- What we learned about attending court
- Deliberate on how to write the report (who & what parts)

Meeting will be held at the Haven Community Center Building April 9, 2016 at 9:30 AM.

Motion by Terry to adjourn the meeting at 11:24 AM, seconded by Matt.


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

4/9/2016

Haven Community Center & Uber Conferencing

Present: ☒ Miranda Marquit, Chairman (via Uber Conferencing)
☒ Terry Johnston, Secretary (via Uber Conferencing)
☒ Matthew Hamilton
☒ Don Johnson
☒ George Morrison

Absent: None

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda at 9:37 AM. and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 3/11/2016

II. Approval of Minutes

By consensus of the committee, we changed the wording in a sentence in the minutes for 3/11/2016 regarding the term "slush fund" to "discretionary funds".

Motion to approve meeting minutes by Miranda on 4/9/2016 and seconded by George. Motion carried.

III. Topics Discussed

1. The committee still has not received the budget information from Randy. Miranda has checked once a week since our first request dated 2/20/2016. She will contact the Attorney Department's Admin directly to see if she could get us a copy of the budget report.

2. The Committee agrees that the cost of having a City's Attorney for the City of Idaho Falls may cost more, but its benefits outweigh the cost of contracting out to a firm to do City business.

3. Touring the Department: Randy has informed the Committee that the best time to tour the department would be best on Mondays. The Committee decided the best time for us to tour would be Monday, April 18, 2016 at 10 AM.

4. The committee discussed their various experiences while attending court:

Don stated that he went to the early Thursday's morning session that covered DUI's (driving under the influence), DWI (driving without insurance), driving without insurance, and failure to appear which ended up mostly with plea deals or predetermined sentences and fines. The judge presiding was Judge Mallard. He noticed that the courtroom was crowded, and that there was a delay where defense attorneys and the bailiff had to locate defendants to make sure they were there. Don commented that the process/system was efficient on how the system worked, but he did have some suggestions that may improve the process to fast track how to make sure the defendants showed up to court or not. He suggested some sort of barcode system that can be scanned once the defendant arrives in the courtroom. The defendant would scan their given barcode upon arrival to notify the attorney and court that they are present. This way the court can run more efficiently. It was also noted that each case was resolved between 3 to 5 minutes and typically cases are heard until 11:30 AM. on Thursday.

Matt asked Don what he thought about the fines given, and he replied that he thought that the fines were fair. Matt asked the rest of the committee whether we had any other ideas beside the barcode idea to make the system run more efficiently, and everyone agreed that the system runs efficiently.

Miranda had similar experiences when she went to court but didn't have anything further to add because her experiences were the same as Dons'.

Terry discussed her experience being on jury duty from March 28, 2016 to April 8, 2016. For the first 4 days of jury duty was calling in, but she was notified by text (which is a great idea) that she is to show up to courtroom 4 on Friday, April 1, 2016 at 8 AM. Once arriving at the courtroom, the process was similar to regular court but it was a very long and arduous process. (I have to comment that providing donuts, fruit, coffee, and water for the jurors

is a very good idea). After some time 14 people were picked to be the “first cut” for the *voir dire* process. The jury commissioner first had us sign in, and then called out our names to confirm who we were and then she and the judge’s clerk called out the first 14 people to be empaneled to be potential jurors. I was picked for the first 14 potential jurors. The judge (Judge Riddoch), the City’s Prosecutor, Jeff Thomason, and the defendant’s attorney asked a variety of questions regarding knowledge of the case, if any of us were employed by either the State or for the defendant, and a variety of other questions. After many questions, the final 6 jurors were picked. Sadly, I had not made the cut. Although it was a long and arduous process, it still was done efficiently.

5. The committee discussed what they needed to address regarding the drafting of our findings for the report. The first preliminary report must be drafted no later than June 1, 2016. The committee decided that we will follow the CRC IFPD’s report format. Until we get a copy of the budget report, and our tour of the department, there isn’t much we can write about at this time. While on tour we will ask the staff about their concerns and put them into the report.

Miranda will draft an outline on what will be topics of the report and email this outline to the committee. We can email Miranda if we have any preferences regarding which area we would like to write about. We will do our final assessment regarding the report on April 18, 2016 after our tour of the Department.

IV. Materials Reviewed

None.

V. Next Meeting

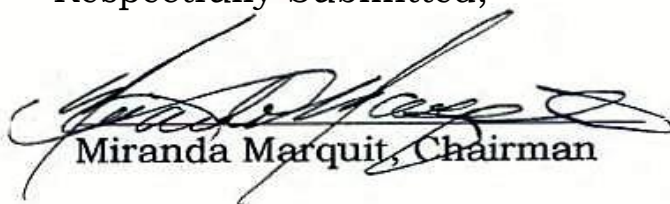
Our next agenda will be:

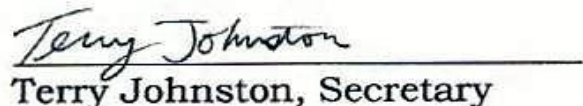
- Touring the City Building
- Finalizing the outline for our report

Meeting will be held at the Annex Conference Room April 18, 2016 at 10 AM.

Motion by Don to adjourn the meeting at 10:21 AM, seconded by Matt.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

4/18/2016

City Annex Conference Room

Present: ☒ Miranda Marquit, Chairman
☒ Terry Johnston, Secretary
☒ Matthew Hamilton
☒ Don Johnson
☒ George Morrison

Absent: None

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda at 10:15 AM. and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 4/9/2016

II. Approval of Minutes

Motion to approve meeting minutes by Miranda on 4/18/2016 and seconded by Terry. Motion carried.

III. Topics Discussed

1. Toured the legal department, and interviewed the staff. The staff includes: City Attorney (CA) Randy Fife, Assistant City Attorney (ACA) Mike Kirkham, Administrative Assistant to the General Legal Services attorneys (AAGLSA)

Kimberly Lewis, City Prosecutor (CP) Cindy Campbell, City Prosecutor (CP) Jeff Thomason, Legal Services Specialist for Prosecution Services (LSSPS) Mercedes Rivas, and Prosecution Administrative Assistant (PAA) Carol Jensen.

2. Topics discussed with the Department:

(CA) Randy Fife – Gave the committee copies of the statistics that was started 6-months ago for both the City Prosecutors' Department and the County Prosecutors' Department so we would know how each department keeps up with the misdemeanors compared to the Feds. No further information was needed as the committee got the information from him on the first day the committee was formed on February 20, 2016.

(ACA) Mike Kirkham – Discussed how long he has been with the department, how he kept up with the caseload and training (i.e. CLE's), and whether Idaho Falls was being consistent with the rest of Idaho. Discussed the professionalism of the IFPD. Discussed the different challenges of being Assistant City Attorney, the option of consideration of utilizing interns in the department, and how well the public records requests work.

(AAGLSA) Kimberly Lewis – Discussed how long she has been with the department, what she does for the department, what challenges she has in her position, and whether she had any ideas that could help the department.

(CP) Cindy Campbell – Discussed how long she has been with the department, how she kept up with the caseload and training (i.e. CLE's), and changing caseload responsibilities. Discussed the professionalism of the IFPD. Discussed the different challenges of being City Prosecutor, the option of consideration of utilizing interns in the department, and discussed the importance of being "on-call" and how it works.

(CP) Jeff Thomason – Discussed how long he has been with the department, how he kept up with the caseload and training (i.e. CLE's), changing caseload responsibilities, and discussed the different challenges of being City Prosecutor.

(LSSPS) Mercedes Rivas – Discussed how long she has been with the department, what she does for the department, what challenges she has in her position, and whether she had any ideas that could help the department.

(PAA) Carol Jensen - Discussed how long she has been with the department, what she does for the department, what challenges she has in her position, and whether she had any ideas that could help the department.

3. The Committee discussed various issues that was found after our interviews that should be put into our CRC report.

4. Discussed the format of the report and delegation of sections for the rough draft of the report. Next meeting will review the rough draft.

IV. Materials Reviewed

None.

V. Next Meeting

Our next agenda will be:

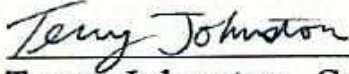
Going over the draft reports submitted to Miranda by committee members and working on finalizing the CRC report.

Meeting will be held at the Annex Conference Room May 13, 2016 at 9:30 AM.

Motion by Miranda to adjourn the meeting at 12:35 PM, seconded by Don.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

5/13/2016

City Annex Conference Room

Present: ☒ Miranda Marquit, Chairman
☒ Terry Johnston, Secretary
☐ Matthew Hamilton
☒ Don Johnson
☒ George Morrison (via Uber Conferencing)

Absent: Matt Hamilton

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda at 9:35 AM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 4/18/2016

II. Approval of Minutes

Motion to approve meeting minutes by George on 5/13/2016 and seconded by Don. Motion carried.

III. Topics Discussed

1. The Committee discussed the format of the report, adding additional information, and changing "CRC" to "CRC Legal". Our draft followed the IFPD's report format closely and looks really good. All other points were addressed in the report. Change 2nd Draft date to May 20, 2016.
2. Miranda will ask to get the original .JPGs of charts to add to the report; add Fig 1 (etc) to the charts in the report and the Table of Contents page; make sure the charts are clear and readable; and highlight the information on the chart for Judicial and Legal.
3. Miranda will work with Matt to go over the information regarding the budget numbers.
4. Attach the meeting minutes to the Appendix page.
5. Miranda will be making the presentation to the City Council and the rest of us will be attending as well.
6. Preliminary Report will need to be turned in prior to Miranda leaving town by June 1, 2016.
7. Final observations by the committee: We are way ahead of schedule on getting this report completed.

IV. Materials Reviewed

1st Draft of CRC Legal Report by CRC Legal Committee Members.

V. Next Meeting

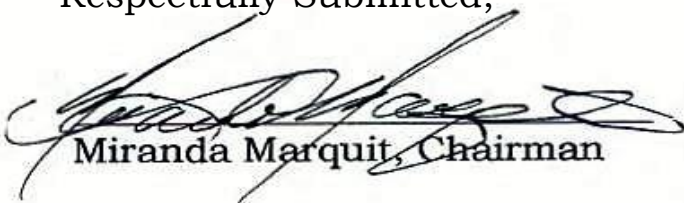
Our next agenda will be:

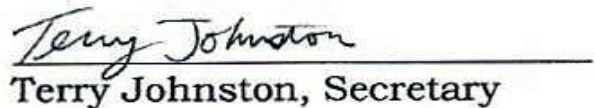
Go over 2nd Draft of the CRC Legal Report and our preliminary report.

Meeting will be held at the Villa Coffeehouse Conf. Rm. May 20, 2016 at 9:30 AM.

Motion by George to adjourn the meeting at 10:40 AM, seconded by Terry.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

5/20/2016

Villa Coffeehouse Conference Room

Present: ☒ Miranda Marquit, Chairman
☒ Terry Johnston, Secretary
☒ Matthew Hamilton
☒ Don Johnson
☒ George Morrison

Absent: Name of absent committee member.

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda at 9:30 AM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 5/13/2016

II. Approval of Minutes

Motion to approve meeting minutes by George on 5/20/2016 and seconded by Don. Motion carried.

III. Topics Discussed

1. The Committee discussed the 2nd draft of the CRC Legal Report. There were only minor changes that needed to occur.
2. Discussed what the committee should ask the City Attorney about the accuracy of the budget numbers we were provided.

IV. Materials Reviewed

2nd Draft of CRC Legal Report by CRC Legal Committee Members.

V. Next Meeting

Our next agenda will be:

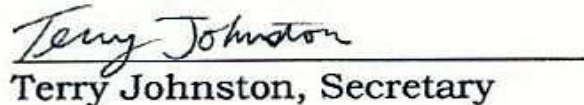
Go over 2nd Draft of the CRC Legal Report and our preliminary report with the City Attorney Fife.

Meeting will be held at the City Attorney's Office June 14, 2016 at 11:00 AM.

Motion by Don to adjourn the meeting at 10:40 AM, seconded by George.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

6/14/2016

City Attorney's Office

Present: ☒ Miranda Marquit, Chairman

☒ Terry Johnston, Secretary

☐ Matthew Hamilton

☒ Don Johnson

☒ George Morrison

Absent: Matthew Hamilton

Quorum Established: ☒ YES ☐ NO

Guests: None

Meeting called to order by Miranda at 11:00 AM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 5/20/2016

II. Approval of Minutes

Motion to approve meeting minutes by Miranda on 6/14/2016 and seconded by Don. Motion carried.

III. Topics Discussed

1. The Committee discussed the 2nd draft of the CRC Legal Report and Preliminary Report with the City Attorney Randy Fife.
2. The Committee asked about clarification about the budget numbers. Fife discussed what is included in the City Attorney's budget and how it works.
3. Fife discussed the Department's budget regarding payroll vs caseload, training, adding a domestic violence coordinator, and inter-departmental communications.
4. Committee discussed the next meeting with Mayor Casper. Miranda will be calling in because she will be out of the country.

IV. Materials Reviewed

2nd Draft of CRC Legal Report by CRC Legal Committee Members.

V. Next Meeting

Our next agenda will be:

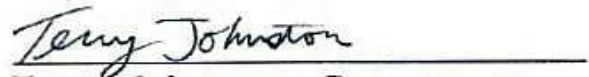
Go over our preliminary report with Mayor Casper.

Meeting will be held at the City Mayor's Office June 30, 2016 at 3:30 PM.

Motion by Matt to adjourn the meeting at 12:00 PM, seconded by Don.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary



2016 Citizens Review Committee City Attorney Department

Meeting Minutes

6/30/2016

City Mayor's Office

Present: ☒ Miranda Marquit, Chairman (via conference call)
☒ Terry Johnston, Secretary
☐ Matthew Hamilton
☒ Don Johnson
☒ George Morrison

Absent: Matthew Hamilton

Quorum Established: ☒ YES ☐ NO

Guests: Mayor Casper, and City Attorney, Randy Fife

Meeting called to order by Mayor Casper at 3:30 PM and was certified to be in compliance with the Idaho Open Meetings Law.

I. Approval of Agenda

Meeting agenda is always approved at the end of meeting. Date: 6/14/2016

II. Approval of Minutes

Motion to approve meeting minutes by Miranda on 6/30/2016 and seconded by Terry. Motion carried.

III. Topics Discussed

1. The first order of business was the CRC Legal Committee to discuss the Preliminary Report with Mayor Casper.

Concerns about caseload size for the size of Idaho Falls in comparison to other cities.

- What the Mayor can do to solve this issue?
- Some of the ideas to help assist with these issues are possibly changing speed limits, and have a method of tracking speed limits in hot-zones throughout the city. The City will need to develop an updated tracking system to make this happen, because it is currently done manually which takes a long time and is not cost effective.

Possibly reclassifying misdemeanors to reduce the caseload in the department.

- Breaking down citations to see what is being ticketed more and address the issue there.
- Modifying city code regarding misdemeanors. This is an old request and some changes have been made, but were modest. Ask the IFPD and the Prosecutors to discuss changes.
- The Mayor stated that changes regarding fewer cases going through the court system will be assessed by the counties and by the Association of Idaho Cities (AIC).
- The Mayor asked whether we (CRC Legal) had an example on how to change the code. (Possible question that may be asked by City Council members)

Concerns regarding the level of support for Domestic Violence Victims.

- Providing short-term grants to provide support and hire someone to manage the area of Domestic Violence exclusively (i.e. Domestic Violence Coordinator). Note: The City Council had declined this grant previously)
- Best practice is to have someone in that position with experience in that area to improve case efficiency.
- The perception of the victim is that the department is not supportive, which makes them have no incentive to contact the department for help. Also, there is the perception of nothing or lack of anything getting done on their case, lack of emotional support, and has no belief in the system will help them.

- Redo/update the Victims Bill of Rights to make it more easily understandable. This document has not been updated since 2004.² There is a website³ that discusses the domestic abuse victim support information, but it would be helpful that we have a version of this page done in Spanish because of our diverse community.
- If there's no budget to hire a DV Coordinator, perhaps the position could be filled by a volunteer. Downside of using a volunteer is lack of consistency. A victim would be more comfortable working with the same person rather than different people as they will not need to repeat their history to them.

Improving Departmental training (CLEs).

- The Mayor agreed with our suggestions regarding training. Ongoing training should happen outside of Idaho, if possible, and occasional trips to regional or national conferences to provide additional insight and perspective.

Increasing compensation for the Department's staff members.

- Issues that will need to be discussed will be loyalty/staffing issues, continuity, career, and turnover (whether it's a revolving door).
- In regards to compensation for staff members who are on-call and any other payroll issues, the Mayor stated that these issues can be resolved when an HR director is hired.

2. The second order of business is going over the 3rd draft of the CRC Legal Report with Mayor Casper.

Some suggestions that the Mayor made regarding our 3rd draft of CRC Legal Report were:

- Make sure we give reasons for our recommendations.
- Regarding staff working a 4/10 schedule, this will be hard to do because of court hours and the Department must be able to work within those hours. (Possibly we could just remove the recommendation for 4/10s all together).
- Give examples of why the Department would need a Domestic Violence Victim Coordinator.
- Give examples of interdepartmental communication issues.
- Make the City Council aware that other departments are taking advantage of the City Attorney's Department regarding deadlines.

² http://www.idaholegalaid.org/sites/idaholegalaid.org/files/Idaho_Manual_on_Rights_of%20Victims_of_Crime.pdf

³ <http://www.idahofallspolice.com/programs/victim-support/>

- Compare the charging difference between the County vs a dedicated service (i.e. City Attorney Department). Make a separate bullet point regarding cost difference and subsidizing the cost.
- Have other departments give the City Attorney's Department a deadline to get their stuff completed, and get all the department's admins together to solve this problem.
- Make a chart regarding the Department's turnover.
- Suggestions or examples of conferences/training to go to, and whether if it is local and/or free/or if it is a budget issue.
- Organize the Department's budget/organization for presentation.

3. Discuss how the CRC Legal will present their report to the City Council.

- The CRC Legal Committee members should attend the City Council presentation.
- Decide who will do the intro and presentation.
- What was our methodology in coming up with our recommendations in our report.
- Go over our preliminary findings with the Council, and be prepared to answer questions from the City Council members.
- Presentation should be around 30-45 minutes.

IV. Materials Reviewed

CRC Legal's Preliminary Report to the Mayor, and 3rd Draft of CRC Legal Report by CRC Legal Committee Members.

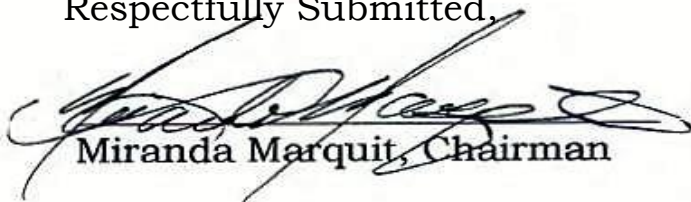
V. Next Meeting

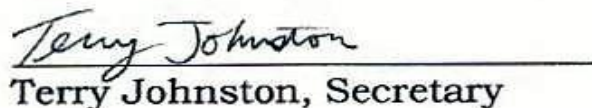
Our next agenda will be:

Meet with City Council Members and present our CRC Legal Report to them on October 11, 2016 at 5:30 PM.

Motion by Miranda to adjourn the meeting at 4:55 PM, seconded by Terry.

Respectfully Submitted,


Miranda Marquit, Chairman


Terry Johnston, Secretary